

Rec'd PCT/PTO 08 OCT 2003

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(703) 816-4006***FACSIMILE COVER SHEET***
PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 1626-3
Your Ref.: SN 09/980,088 Date: October 8, 2003

To: Mr. Frederick Smith
Firm: U.S. PTO
Facsimile No.: 703 305 3230
From: A. R. Crawford

Number of Pages (including cover sheet): 8
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Esther
FACSIMILE OPERATOR

Attachments

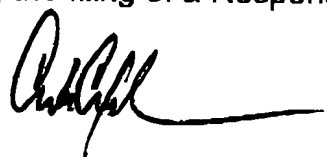
Dear Mr. Smith,

I refer to the Notification of Abandonment mailed October 2, 2003 indicating we failed to respond to a notice to file missing requirements mailed January 24, 2003. This is not the case.

In fact, you and I discussed this by telephone on June 19, 2003 as summarized in the Response I filed on June 20, 2003, so my recollection is all of the requirements have been satisfied. See also the Decision dated May 9, 2003 you kindly faxed to me on June 19, 2003. The application should not be regarded as abandoned.

For your information Attached is a copy of the postcard receipt of August 23, 2002 evidencing the filing of the Petition to Correct Inventorship under 37 CFR 1.48; Declarations of Non-Inventors Marijke Stigter, Hugo Oppelaar; Gordon Brian Snow; Fiona Anne Stewart; Pieter Edsge Postmus as well as the postcard receipt dated June 20, 2003 evidencing the filing of a Response.

A. Crawford

**CONFIDENTIALITY NOTE**

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| | | |
|---|---|-----------------------------|
| U.S. APPLICATION NUMBER NO. 09/980,088 | FIRST NAMED APPLICANT M Vrouwenraets | ATTY. DOCKET NO. 2344-40 |
|---|---|-----------------------------|

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| INTERNATIONAL APPLICATION NO. PCT/GB00/01215 |
|---|

| | |
|--------------------------------|---------------|
| I.A. FILING DATE 05/30/2000 | PRIORITY DATE |
|--------------------------------|---------------|

Arthur R Crawford
Nixon & Vanderhye
1100 North Glebe Road
8th Floor
Arlington, VA 22201-4714

CONFIRMATION NO. 8108

371
ABANDONMENT/TERMINATION
LETTER



OC000000010972664

Date Mailed: 10/02/2003

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01/24/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FREDERICK SMITH

Telephone: (703) 305-3654

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

NIXON & VANDERHYE PC

203 JUN 19 PM 3:55



UNITED STATES
PATENT AND
TRADEMARK OFFICE

N & V ORIGINAL**PCT OPERATIONS****FACSIMILE TRANSMISSION COVER SHEET**

DATE:

JUNE 19, 2003

TO:

ARTHUR R. Crawford

TELEPHONE:

FAX NO.:

703-816-4100

FROM:

Frederick Smith

TELEPHONE:

FAX NO.:

703-305-3652
703-308-4785 OR 703-305-3230

MESSAGE:

NUMBER OF PAGES 3 (INCLUDING THIS PAGE)



09 MAY 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Nixon & Vanderhye P.C.
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714

In re Application of VROUENRAETS et al
U.S. Application No.: 09/980,088
Int. Application No.: PCT/GB00/01215
Int. Filing Date: 30 March 2000
Attorney Docket No.: 1626-3
For: PHOTODYNAMIC THERAPY COMPOUNDS

DECISION

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 24 March 2003.

BACKGROUND

On 30 March 2000, applicant filed international application PCT/GB00/01215. A copy of the international application was communicated to the USPTO from the International Bureau on 11 October 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 30 November 2001.

On 30 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 August 2002, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 15 November 2002, this Office mailed a decision dismissing the 23 August 2002 petition.

On 24 March 2003, applicant filed the present renewed petition along with an executed declaration.

Application No.: 09/980,000

-2-

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, the renewed petition states that the application has not been assigned.

Therefore, all of the requirements of 37 CFR 1.497(d) have been met.

Applicant is advised that the declaration filed 24 March 2003 is acceptable with regard to inventor Augustinus Van Dongen. However, declarations properly executed by inventors Martinus Vrouwenraets and Gerardus Viisser have not been provided. Applicant is reminded that the declaration filed 23 August 2002 is improper because the last name of the third listed inventor does not match that shown on the international application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision including preparation and mailing of a Notification of a Defective Response (Form PCT/DO/EO/916) which should indicate that the declaration filed 23 August 2002 is improper because it does not correctly indicate the last name of the third inventor.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VROUENRAETS et al

Atty. Ref.: 1626-3

Serial No. 09/980,088

Group:

Filed: August 23, 2002

Examiner:

For: PHOTODYNAMIC THERAPY COMPOUNDS

* * * * *

June 20, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This responds to the Notification of Defective Response dated May 30, 2003 and signed by Frederick Smith. I confirm my telephone discussions with Mr. Smith on June 19, 2003 in which I was advised no further action/documentation is required and no response to this Notification is required. Mr. Smith explained the Decision dated May 9, 2003 stating the application is accepted under 35 U.S.C. §1.497(d) renders the May 30, 20003 Notification of Defective Response moot. Mr. Smith also kindly faxed the undersigned a copy of the May 9th Decision.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

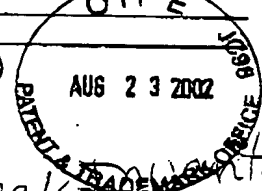
Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
1100 North Glebe Road, 8th Floor
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Telephone: (703) 816-4000
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Serial No.: 09/980088
 Applicant: Uroen Raets, et al
 Title: Photodynamic Therapy Components
 Atty: ARC
 Date: 8/23/02
 Client: 1626-3
 Ref: 1626-3

Amendment
 Pages Specification
 Claims
 Sheets Drawings: Formal
 Informal
 Declaration (Pages)
 Assignment
 Priority Document
 Base Issue Fee Transmittal
 Fee (Check)
 130.00

Attention
 PAT Legal Office
 OIPE



Other: Petition to Correct
 Under 37 CFR § 1.48
 Non Inventors: Marijke Stigter,
 Hugo Oppel (AAR), Gordon Brown Snow,
 Fiona Anne Stewart,
 Peter G. G. G.

Serial No.: 09/980088
Applicant: UROGEN R&D, Inc.
Title: Photodynamic
Therapy Compounds
Atty: ARC
Date: 6/20/03
Client:
Ref: 1626-3

☐ Amendment
☐ Pages Specification
☐ Claims
☐ Sheets Drawings: Formal ☐
Informal ☐
☐ Declaration (☐ Pages)
☐ Assignment
☐ Priority Document
☐ Base Issue Fee Transmittal
☐ Fee (Check)

Other:

Response